

# INSTRUCTIONS FOR COMPLETING APPLICATION FOR SUPPORT CENTERS

Your original application, including the Application Checklist, and one copy of the application forms must be received in the Legal Services Trust Fund Office by 5:00 p.m. on the application deadline. Address your application to the Legal Services Trust Fund Program, **180 Howard Street, San Francisco, CA 94105-1639**. You **may not** submit your application electronically or by fax machine. Applications **legibly postmarked** by the post office or a special delivery company on the last business day before the application deadline and received within five working days after the deadline will be accepted. Applications received after that date **will not be considered** unless there is a showing of special extenuating circumstances. In no event will an application be considered if it is received more than 15 calendar days late.

All applications are public records once received.

## **Application Checklist.** *All applicants must complete this form.*

Please complete the Application Checklist *after you have reviewed these instructions and completed the application forms*. When you submit your application, put the Application Checklist on top and arrange the rest of the material in the order listed on the Checklist.

### **I. Applicant Profile.** *All applicants must complete this form.*

- A. New Application for Funding.** Place a check mark in this box if your organization has never been found eligible for funding from the Legal Services Trust Fund Program.
- B. Application for Refunding.** Place a check mark in this box if your organization has been found eligible for funding from the Legal Services Trust Fund Program in previous grant period(s).
  - 1. Organization Name:** List the name of your corporation as it appears on the incorporation papers. If you are commonly known by another name or use a "dba," include this name as an "aka" or "dba." *Only one application may be submitted by each corporation.*
  - 2. Street Address:** List the street address of applicant, including city and zip code.  
**Mailing Address:** List the mailing address of applicant, if different from the street address.  
**Change of Address:** Indicate if either address has changed since submission of the previous application.
  - 3. Telephone Number:** List the telephone and fax number of applicant, including area code.
  - 4. Web site:** List the URL of applicant's Web site, if applicable.
  - 5. Branch Offices:** List the addresses of all branch and regional offices. If necessary, list on a separate page.

6. **County(ies) Served:** Support centers must provide services statewide. Write "Statewide" under "Name(s) of County(ies) Served." **Note:** In order to prove that your program provides services statewide, your program must meet the provisions of Eligibility Guideline 2.2.2.
7. **Staff Director:** Print or type the full name and title of the applicant's director or chief executive officer. Also provide a direct dial telephone number, e-mail address and original signature of the program director.
8. **Chairperson of Governing Board:** Print or type the full name, business address, and telephone number of the current chairperson of the applicant's governing board. Also, provide an original signature of the chairperson.
9. **Contact Person:** List the name, title, direct dial telephone number, and e-mail address of the person to contact if any questions arise regarding your application.
10. Check this box if any information has changed since submission of your last application.

## II. **Summary Project Description. *All applicants must complete this form.***

In addition to helping establish your eligibility, this form will be used to describe your organization in connection with your proposed budget.

Include a general description of your area of substantive or procedural expertise, your service priorities and the mechanism(s) used to deliver services. Also briefly describe your functional activities (e.g., consultation, representation, information services, training).

## III. **Eligibility Criteria for Support Centers. *All applicants must complete this form.***

1. Place a check mark in the one box that applies to your program.

If your program responded "no" to number 1 or was not found eligible in one of the past two grant periods, you must supply a one-page description of your center. The Trust Fund Program will solicit advice from qualified legal services projects whether they presently deem your project to be "of special need." More than one-half of those whose advice is solicited must respond affirmatively in order for your center to be eligible. [See B&P Code §6215(b)(2); Rule 4.5; Eligibility Guideline 2.9.1.]

If your program responded "no" to number 1 and was deemed to be "of special need" in either of the past two grant periods, it is assumed that you continue to be deemed "of special need" for this grant period. If you checked the third box, indicate the grant period when the program was last deemed to be "of special need."

2. Place a check mark in all boxes that apply to your program.

"Consultation" refers to the provision of legal advice and technical assistance on matters of law, which your program offers to qualified legal services projects.

“Representation” refers to the provision of direct legal services to eligible clients as counsel or co-counsel in matters of law.

“Information Services” refers to the provision of informational resource materials that were developed and published by your center and distributed to qualified legal services projects.

“Training” refers to education to improve practice skills of advocates working on behalf of qualified legal services projects. Support centers provide education regarding skills utilized in specialized areas of law.

#### IV. Certifications for Support Centers. *All applicants must sign this form.*

1. Enclose both documents specified as proof of your corporation's incorporated status. If your Articles of Incorporation are on file in the Legal Services Trust Fund Program office, so indicate on the Application Checklist.

**Note:** Your Certificate of Status for this application can be no more than three years old. To obtain a new Certificate of Good Standing (also known as a Certificate of Status), complete the Corporate Records Order Form provided in this package following the Application Checklist (this form can be downloaded at <http://www.ss.ca.gov/business/corp/pdf/ircform.pdf>). Attach a check made payable to the Secretary of State for the appropriate amount (\$5.00 for a Certificate of Good Standing, plus any additional cost for faxing or special handling of orders submitted in person) and submit your request either:

**By mail:** Send a self-addressed and postage-paid envelope to the Secretary of State, Information Retrieval/Certification Unit (IRC), 1500 - 11<sup>th</sup> Street, 3rd Floor, Sacramento, CA 95814 (written requests are normally processed within two weeks); **or**

**In person:** Certificates of Good Standing and status printouts can be obtained over the counter at any Secretary of State office location. A list of these offices can be found on the Internet at [http://www.ss.ca.gov/business/corp/corp\\_contacts.htm](http://www.ss.ca.gov/business/corp/corp_contacts.htm).

2. Enclose both documents specified as proof of your corporation's tax exempt status. If you have not received the determination letters, attach copies of your applications for exemption, together with an explanation of their status. If the documents specified as proof of your corporation's tax exempt status are on file in the Trust Fund Program office and there have been no material changes made to the documents from the time they were submitted to the Trust Fund Program office, so indicate on the Application Checklist.
3. Attach Form XI and a list of the names and addresses of qualified legal services projects to which your program provided services within the calendar year ended most recently as proof that your program is currently providing the indicated services. Your program must have provided a significant level of services, and these services must have been provided in the geographic areas designated in Eligibility Guideline 2.2.3.
4. Attach criteria used by your program to determine the eligibility of entities or clients requesting services.

5. Attach a copy of your program's financial statement for the fiscal year ended most recently unless it was previously submitted. If your program is part of a corporation, the financial statement for the total corporation must be submitted, strictly segregating the portion of the statement that relates to your program's income and expenditures.

Financial statements submitted by an applicant whose gross expenditures are *less than* \$500,000 for the most recent fiscal year must be reviewed or audited by an independent certified public accountant. Financial statements with gross expenditures *in excess of* \$500,000 for the most recent fiscal year *must be audited* by an independent certified public accountant.

If the audited or reviewed statement for the most recent period is not available at the time of the application deadline, you must file the audited or reviewed statement promptly when available, and in no event more than sixty (60) days after the application deadline. The statement must be submitted before an allocation will be disbursed.

If the audited or reviewed financial statement is for a period that ends before December 31, you must submit an income and expense statement covering the period from the ending date of your last financial statement to the end of the calendar year prior to the application deadline. The Commission reserves the right to require an audit or review of this statement.

6. By signing Form IV, the Staff Director and the Chairperson of the Program Board certify that the information provided in this statement is true. Provide the original signatures of the Staff Director and the Chairperson of the Program Board. If one person fulfills both functions, another officer of the program board must sign the certification. Identify the title of the alternate board officer.

## **V. Assurances for Support Centers. *All applicants must sign this form.***

These items list assurances with which the applicant agrees to comply if it receives a Trust Fund Program allocation. Provide the original signatures of the Staff Director and the Chairperson of the Program Board. If one person fulfills both functions, another officer of the program board must sign the Assurances. Identify the title of the alternate board officer.

1-3. See Form V.

4. Enclose a copy of the board resolution adopted by your Board of Directors within the last two years establishing the support center's priorities. Describe the consultation process with legal services attorneys, members of the private bar and eligible clients by which priorities were set. [See Commentary to Eligibility Guideline 2.6.]

5-9. See Form V.

## **VI. Staffing Report for Support Centers. *All applicants must complete this form.***

This form provides information regarding current staffing of the applicant.

- 1-4. **"Full-Time"** refers to staff employees who are employed on a continuous full-time basis, e.g., your standard work week. Indicate the number of full-time employees in each category in the "Full-Time" column.

**"Part-Time"** refers to staff employees who are employed less than full time. Indicate the number of part-time employees in each category. In the next column, report the number of full-time positions represented by your part-time employees. For example, four half-time employees are equivalent to two full-time positions. Include all budgeted positions you intend to fill.

**"Temporary"** refers to staff employees who are employed for a specific predetermined period, or intermittently, as their services are required. Indicate the number of temporary employees. In the next column, report the number of full-time positions represented by your temporary employees.

**"Volunteer"** refers to non-employees who donate services to the program. Enter the number of volunteers.

5. **Attach the requested documents at the back of the application.**

The organizational chart should show your organization's supervisory structure. For example, the Staff Director would be listed on the chart. The person or people who supervise the Staff Director (e.g., the board or one of its committees) would be listed above the Staff Director position. The positions supervised by the Staff Director would be listed below the Staff Director position. The chart should include all attorney positions, management positions, paralegal positions and support personnel. Identify titles of "Other Staff" positions reflected on line 4 in the space provided. Indicate the full-time equivalent for each position listed.

Provide a current salary schedule and a complete set of job descriptions for all filled and unfilled positions. Include minimum experience and educational requirements. *Please do not send job announcements.*

**VII. Source of Funding Report. All applicants must complete this form.**

List the sources and amounts of your annual cash funding using the amounts received during the previous calendar year. **Do not include any IOLTA or Equal Access Fund monies received through the Trust Fund Program.** Provide a detailed breakdown in the "Subtotals" column, and report the total amount of funding received from all sources other than the Trust Fund Program in the "Totals" column.

**VIII. Quality Control Review for Support Centers. All applicants must complete this form.**

Check number 1 or 2, or both if applicable. In addition, programs must provide a description of their supervisory structure (number 3).

1. Applicants that have received a written program evaluation or review by a non-Trust Fund Program funding source or entity since January 1 of the previous calendar year must attach the evaluation/review/report, indicating which agency provided the evaluation.

2. Check here if you received a monitoring visit by the Legal Services Trust Fund Program in the calendar year ended most recently.
3. Describe your program's supervisory structure for its legal services staff and your plan for ensuring quality control. Specifically, explain how each group/class of legal workers is supervised. Provide detailed information regarding supervisory personnel and management responsibility for staff's provision of legal training, legal technical assistance and advocacy support to qualified legal services projects. Also, describe how contract attorneys or staff consisting of a single attorney are supervised.

**IX. Total Corporate Expenditures for Calendar Year Ended Most Recently. *All applicants must complete this form.***

1. Indicate applicant name.
2. Provide the name, direct dial telephone number and e-mail address of the person preparing this form.
3. *Calendar year.* Do not use your fiscal year figures if they are for a period other than the calendar year.

**4-25.** These items relate to your total actual expenditures for the calendar year ended most recently.

- Use whole numbers.
  - Do not include the value of donated services or in-kind donations.
  - Do not include expenditures for capital additions in the total.
4. **Lawyers:** This category should include all salaries and wages paid to program attorneys, whether full time, part time or temporary. Do not include the value of donated services.
  5. **Paralegals:** This category should include salaries and wages paid to program paralegals, whether full time, part time or temporary. Paralegals are persons who are not members of the State Bar of California and whose duties consist primarily of such activities as intake interviewing, case investigations, checking court records, legal research, client representation at administrative hearings and outreach and community work. [See B&P Code § 6450 et seq.] Do not include the value of donated services.
  6. **Other Staff:** This category should include salaries and wages paid to all other program staff, whether administrative/clerical staff, students or others, and whether full time, part time or temporary. Do not include the value of donated services.
  7. **Subtotal:** Add wages from lines 4, 5 and 6.
  8. **Employee Benefits:** This category should include all those commonly-accepted fringe benefits paid on behalf of employees, such as retirement, FICA, health and life insurance, workers' compensation, unemployment insurance and other payroll-related costs approved by the board of directors.

9. **Total Personnel:** Add lines 7 and 8.
10. **Space:** This category includes rent, mortgage payments, utility payments and maintenance or janitorial expenses.
11. **Equipment Rental and Maintenance:** This category includes lease or rental expenses for office furniture, fixtures and equipment (except telephone). It also includes maintenance costs for that equipment whether pursuant to a service contract or individual repair bills.
12. **Office Supplies, Printing and Postage:** This category includes all basic office accessories and supplies, including materials used in copiers and printers. Printing and postage, which may be recorded in special accounts, are included in this category. All equipment purchases under \$500 may also be placed under this line item.
13. **Telecommunications:** This category includes all regular telephone charges, the rental or lease of telephone and fax equipment, long-distance calls and Internet charges. Similar and related telecommunications expenses should be included as well.
14. **Program Travel:** This category includes travel expenses directly related to specific support activities, administration of the program, etc. While most travel placed in this category will be local or intrastate, interstate travel should also be included here.
15. **Training:** All non-personnel costs associated with the training or continuing education of staff members should be included here. Examples would be travel to/from training events, per diem, conference registration fees or tuition, purchase of training materials, rent for facilities used in a training event, consultant fees paid to trainers, etc. Materials or equipment purchased for training with a value in excess of \$500 should be reported under "Capital Additions." No program personnel costs, or costs training employees or volunteers of other organizations, should be included here.
16. **Library:** This category includes expenses for the maintenance and normal expansion of office libraries, including subscriptions to periodicals, books, on-line research services, CD ROMs, reference materials and multiple volume sets of law books. Depreciation on capital additions to library holdings over \$500 should be included under "Depreciation."
17. **Insurance:** This category includes professional liability insurance, bonding, property insurance (fire and theft) and liability insurance for property and automobiles.
18. **Audit:** This category includes expenses related to the fiscal review or audit of applicant's financial statements.
19. **Litigation:** This category includes court costs, witness fees, expert witness expenses, sheriff fees, courthouse copying fees and other expenses incurred but not recovered in litigation on behalf of eligible clients.
20. **Depreciation:** This category includes depreciation expense on equipment and library purchases over \$500 per item and on owned real property.

**20a. Capital Additions:** Indicate the total cost of capital additions during the preceding calendar year. Do not include this amount in the total on lines 24 and 25. Itemize individual items and associated costs on a separate page.

**21. Contract Service to Clients:** This category includes all payments to private attorneys or others who provide legal services to clients. Itemize individual costs on a separate page.

**22. Contract Service to Program:** This category includes all other services to the program, such as legal counsel for program operations, consultant fees exclusive of those paid for training, use of a computer service bureau, bookkeeping or other accounting services, etc. Itemize individual costs on a separate page.

**23. Other:** This category includes all program expenses not included above. Itemize individual costs on a separate page.

**24. Total Non-Personnel:** Add lines 10-23.

**25. Total:** Add lines 9 and 24. Enter this amount on line 1 of Form X.

## **X. Expenditures for Support Services. All applicants must complete this form.**

This form segregates your previous year's expenditures that were for qualifying support services from those expenditures that were for other activities. This information is necessary to establish whether your organization's primary purpose and function is the provision of legal training, legal technical assistance or advocacy support without charge.

For each line for which you answer "yes" and enter a dollar amount, you must explain how you arrived at the figure.

1. Enter the amount from line 25 of Form IX to indicate the corporation's total expenditures for the preceding calendar year.

2. If legal support services are only part of your corporation's activities, indicate on this line how much of your expenditures were for the other activities. Support services must meet the following criteria to qualify for inclusion as expenditures for Trust Fund purposes:

a. Services must be provided to:

- 1) attorneys, lay advocates or others involved in the direction or operation of legal services projects that provide legal services to indigent persons; or
- 2) attorneys in private practice who are providing legal services without charge to indigent persons; or
- 3) directly to indigent persons without charge, when requested to do so by a qualified legal services project.

b. The services must be directed toward meeting the legal needs of indigent persons or the functioning of the legal services project.



- c. The direct provision of legal services to clients is not a “support service” unless it is delivered:
    - 1) as co-counsel with a qualified legal services project; or
    - 2) as co-counsel at the request of a private attorney representing indigent clients without charge; or
    - 3) after a referral from a qualified legal services project.
  - d. The provision of similar legal support services in states other than California will be considered in determining the primary purpose and function of the corporation. [See Eligibility Guideline 2.3; Rule 2.2.]
3. If you charge for some of your support services, enter the amount of your expenditures related to the activities for which you charge. Payment by legal services projects or attorneys for the actual cost of “out-of-pocket expenses” incurred by the center such as costs of meals and refreshments at a training event or reproduction of materials shall not be considered a “charge” for support services. “Out-of-pocket expenses” do not include staff salaries or consultant fees for trainers, costs of notifying projects of training or other services or costs of preparing materials. [See Eligibility Guideline 2.2.4.]
  4. Add lines 2 and 3.
  5. Subtract line 4 from line 1. This is your total expenditure for free technical assistance, training and advocacy support.
  6. Divide line 5 by line 1 to calculate the percent of your total corporate expenditures incurred while providing free legal technical assistance, legal training and advocacy support. If this figure is 75% or greater, the corporation will be presumed to meet the “primary purpose and function” test. An applicant not qualifying for the presumption may nevertheless apply for an allocation, demonstrating its purpose and function by other means. You will need to demonstrate that the primary purpose of your organization is to assist legal services advocates who provide direct civil legal services to indigent clients through the provision of legal assistance, legal training and advocacy support. You must show that your primary purpose is not the direct provision of legal services to clients and that your support services consist of training, technical assistance and advocacy support. [See B&P Code §6213(b); Rule 2.2; the Commentary to Eligibility Guidelines 2.2-2.2.5 and 2.3.]

## **XI. Annual Assistance Summary Report. *All applicants must complete this form.***

This form includes information regarding qualified legal services projects served by your center during the calendar year ended most recently. You must demonstrate that you are currently providing a significant level of support services to such projects on a statewide basis.

Qualified legal services projects are programs that received grants from the Legal Services Trust Fund Program in the previous calendar year. Do not include services to other support centers even if they receive Trust Fund Program grants.

1. **Training:** Provide a list of training events from the past calendar year. Include information regarding dates, locations, number of attendees and different qualified legal services projects served through your center's training efforts.
2. **Technical Assistance:** Indicate the number of individual requests for service, the number of matters in which services were actually provided, and the number of different qualified legal services projects that received technical assistance from your center.
3. **Advocacy:** Indicate the number of requests for assistance made to your center, the number of cases or matters actually undertaken at the request of and in conjunction with a qualified legal services project, and the number of different qualified legal services projects that were served through your center's advocacy efforts.

"Advocacy support" includes the direct provision of legal services to an indigent client either as co-counsel with an attorney employed or recruited by a qualified legal services project, or at the request of an attorney employed or recruited by a qualified legal services project, provided that (a) you keep written records to demonstrate compliance with these provisions and (b) you establish and use policies and procedures that encourage qualified legal services projects to participate in your center's representation of persons referred by them. [See Rule 2.2; Eligibility Guidelines 2.2.1 and 2.3.]

**a. Representation:** For each matter,

- Identify and briefly describe the matter.
- Name the qualified legal services project(s) involved and the nature of their involvement (if you provided direct support and did not act as a co-counsel, describe why no legal services project was involved in the representation).
- Describe the nature of your advocacy support, i.e., lead counsel, amicus, etc.
- Identify any specific actions or accomplishments during the past calendar year, such as trial, discovery, etc.

**b. Administrative or Legislative Advocacy:** For each matter,

- Identify and briefly describe the matter.
- Name the qualified legal services project(s) involved in the matter and the nature of their involvement.
- Describe the nature of your advocacy support.
- Identify any specific actions or accomplishments during the past calendar year, such as hearings, presentations, etc.

**c. Other Advocacy Activities:** For each matter,

- Describe the nature of your advocacy support.
- Identify the forum or jurisdiction in which it was provided.
- Identify any qualified legal services project(s) involved in the matter and the nature of their involvement.
- Identify any specific actions or accomplishments during the past calendar year.

4.
  - a. Attach a list of the names and addresses of qualified legal services projects that your center assisted in the previous calendar year, and note the nature of the assistance. Include only those projects to which you provided legal training, legal technical assistance or advocacy support without charge. Do not list projects that were provided only a newsletter or other informational mailings.
  - b. Indicate the total number of different projects served by your program in the previous calendar year. You may only count each project once even though you may have provided more than one type of support service.
5. Describe all efforts to publicize the availability of your services to legal services projects statewide during the past calendar year. At a minimum, this publicity should have included at least two written communications sent to each qualified legal services project in the state describing the services you provide. Attach copies of these communications to this application. On a separate sheet, identify any other efforts you have made to publicize the availability of your services, such as work on task forces or group projects. [See Eligibility Guideline 2.2.2.]
6. List resources you developed and published for distribution to qualified legal services projects. Do not include the printing and/or distribution of information or materials provided by others. List only those materials actually produced by your center.